

REMARKS

I. Status of the Claims

Claims 10-12 and 14 are pending in this application. Claims 11, 12, and 14 have been allowed. Claim 10 has been amended by this response. The amendment to claim 10 introduces no new matter; it merely excludes a species of dye from the original genus. The specification discloses a combination of radicals that would have resulted in the excluded species of Acid Brown 4, and this excluded compound would have been apparent to the skilled artisan after reading the specification as filed. See pp. 8-11 of the application as filed. Thus, the present specification would be fully supportive of the species of dye sought to be excluded by the proviso recited in claim 10. Applicant is now simply claiming less than the full scope of the disclosure -- a perfectly legitimate procedure since it is for the inventor to decide what bounds of protection she will seek. Applicant believes that claim 10 is also in condition for allowance.

II. Rejection Under 35 U.S.C. § 102(b)

The Examiner has rejected claim 10 under 35 U.S.C. 102(b) as being anticipated by EP 0601302 A1 to Balzer. In light of the fact that claim 10 has been amended to disclaim the composition of acid brown 4, Applicant believes that this rejection is now moot.

IV. Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Application No.: 09/663,942
Attorney Docket No.: 5725.0290-01
Customer No.: 22,852

Please grant any extensions of time required to enter this response and charge
any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 10, 2005

By:

A handwritten signature in black ink, appearing to read 'M. Sweet', written over a horizontal line.

Mark D. Sweet
Reg. No. 41,469